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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/688,628

10/17/2003

Vivian Agura

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EXAMINER

MYHRE, JAMES W

ART UNIT

PAPER NUMBER

3622

MAIL DATE

DELIVERY MODE

10/15/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/688,628	Applicant(s) AGURA ET AL.	
	Examiner James W. Myhre	Art Unit 3622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>10/17/03</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office Action is in response to the initial filing on October 17, 2003. Claims 1-8 are currently pending and have been considered below.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Helbig (US 2002/0116257).

Claims 1 and 4: Helbig discloses a method for redeeming loyalty points, comprising:

- a. accessing a specified (identified) item and providing the amount of loyalty points needed to be redeemed for the item (page 6, paragraph 0061; page 7, paragraph 0073; and page 9, paragraphs 0093-0094);
- b. repeatedly collecting one or more specified items into a shopping cart (Figure 11; page 5, paragraph 0047; page 7, paragraph 0073; and page 9, paragraphs 0093-0094);

c. verifying the total amount of loyalty points needed for the specified items in the shopping cart (Page 5, paragraph 0047; page 7, paragraph 0073; and page 9, paragraphs 0093-0094); and

d. processing the transaction (i.e. proceeding to the checkout and transferring the value of the loyalty points to the item(s) provider)(page 5, paragraph 0047; page 6, paragraph 0061; page 7, paragraph 0073; and page 9, paragraphs 0093-0094).

Claims 2 and 7: Helbig discloses a method as in Claims 1 and 4 above, and further discloses the transactions are independent and dependent transactions (page 7, paragraph 0073 and page 9, paragraphs 0093-0094).

Claims 3 and 8: Helbig discloses a method as in Claims 1 and 4 above, and further discloses the items are tangible and non-tangible items (page 7, paragraph 0073 and page 9, paragraphs 0093-0094).

Claim 5: Helbig discloses a method as in Claim 4 above, and further discloses converting the loyalty points into a different currency value and providing the value to the item(s) provider (page 11, paragraph 0127).

Claim 6: Helbig discloses a method as in Claim 4 above, and further discloses providing the amount of accumulated loyalty points to the user (page 7, paragraph 0073 and page 9, paragraphs 0093-0094).

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. Chan et al(US 2002/0073015) discloses a method for redeeming loyalty points that allows the user to place one or more items into a shopping cart, converts the loyalty points into another currency, and processing the transaction. The items are both tangible and non-tangible.

b. Alpdemir et al (6,934,684) discloses a method for redeeming loyalty points using a reward catalog showing redemption values from which the user may select one or more items.

c. Sarcanin (6,941,285) discloses a method for redeeming loyalty points that converts points from various loyalty programs into a universal currency that is used to "purchase" selected items from one or more redemption catalogues.

d. Prorock (US 2003/0046157) discloses a method for accumulating loyalty points and for tracking the amount of additional loyalty points needed to qualify for one or more items selected by the user.

e. Boyd et al (US 2004/0193489) discloses a method for accumulating and redeeming loyalty points offline and online.

f. Rose (US 2004/0260652) discloses a method for converting accumulated points into currency which can then be used to purchase items at participating merchants.

g. Monahan et al (US 2005/0144071) discloses a method for a consolidated loyalty account for a plurality of users (e.g. a family) that can be redeemed for a plurality of items.

h. Fredregill et al (US 2005/0144074) discloses a method for converting coupons into rewards points that can then be used to purchase items in various ways.

i. Dalmia et al (US 2007/0129955) discloses a method for issuing and using advance loyalty points (i.e. before they are earned).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James W. Myhre whose telephone number is (571) 272-6722. The examiner can normally be reached on Monday through Thursday 6:00-3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber can be reached on (571) 272-6724. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

Art Unit: 3622

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Handwritten signature of JWM in black ink.

JWM
September 27, 2007

Handwritten signature of James W. Myhre in black ink.

James W. Myhre
Primary Patent Examiner